IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 22577 of 2006(K)

PETITIONER:

K.K. KAKKI MATHAI,
KOONTHANISSERY HOUSE, VETTEKKAL P.O.,
CHERTHALA, ALAPPUZHA.

BY ADV. SRI.K.K.SATHEESH

RESPONDENTS:

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1. UNION OF INDIA,
REPRESENTED BY THE UNDER SECRETARY,
MINISTRY OF HOME AFFAIRS, FREEDOM FIGHTERS'
DIVISION, LOK NAYAK BHAWAN, KHAN MARKET,
NEW DELHI-110 003.

2. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
GENERAL ADMINISTRATION (FFP.A) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.PAUL JACOB, ADDL.CGSC
GOVERNMENT PLEADER SMT ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE EXTRACT OF THE CONVICT REGISTER OF CENTRAL PRISON, TRIVANDRUM ALONG WITH THE LETTER ISSUED BY THE SUPDT. OF THAT PRISON DATED 20.6.73

EXT.P2- TRUE COPY OF THE PROCEEDINGS OF THE DIST.COLLECTOR, ALAPPUZHA DATED 29.2.72

EXT.P3- TRUE COPY OF THELETTER NO.F6/47609/76 DTED 30.9.76 ISSUED BY THE DIST. COLLECTOR, ALAPPUZHA INVITING THE PETITIONER TO RECEIVE THAMRAPATRA.

EXT.P4- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE RESPONDENTS DATED 24.4.1998.

EXT.P5- TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE 2ND RESPONDENT IN W.P.(C).37833/2003

EXT.P6- TRUE COPY OF THE JUDGMENT DATED 25.11.05 OF THIS HON'BLE COURT IN W.P.(C).37833/03

EXT.P7- TRUE COPY OF THE LETTER NO.52/CC/KER/9/2004-FF (SZ) DATED 6.6.06 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.

EXT.P8- TRUE COPY OF THELETTER NO.52/CC/KER/9/2004 FF (SZ) DATED 29.6.06 ISSUED BY THE 1ST RESPONDENT.

EXT.P9- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 7.7.06.

EXT.P10- TRUE COPY OF THE LETTER NO.6/1/97-FF (P) DATED 7.4.03 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT

EXT.P11- TRUE COPY OF THE REPRESENTATION DATED 12.7.2006 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT .

EXT.P12- TRUE COPY OF THE LETTER NO.23918/FFP.A2/2004/GAD DATED 11.1.2007 ISSUED BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT.

EXT.P13- TRUE COY OF THE REPORT OF THE DISTRICT COLLECTOR, ALAPPUZHA VIDE NO.H2-14989/04 DATED 18.12.2006 ALONG WITH THE RECORDS IN CASE NO.SC 8/23 ON THE FILE OF THE SESSIONS COURT, ALAPPUZHA.

EXT.P14- TRUE COPY OF the REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 22.3.2007.

(TRUE COPY)

P.A TO JUDGE

S.SIRI JAGAN, J

W.P.(C).No. 22577/2006

Dated this 26th day of June, 2007

JUDGMENT

The petitioner claims to be a freedom fighter drawing pension under the State Freedom Fighters Pension Scheme. The petitioner applied for pension under the "Swatantrata Sainik Samman Pension Scheme". The petitioner approached this Court earlier and obtained orders in W.P.(C).37833/2003 for re-consideration of his application. By Ext.P7 communication, the first respondent directed the second respondent to let the first respondent know whether the imprisonment suffering of Sri. K.K. Kakki Mathai was in connection with Punnapra Vayalar movement so that the order of the Honourable High Court in the above said writ petition can be complied with. Now the petitioner has produced two documents as Exts.P12 and 13 whereby the second respondent has forwarded certain documents to the first respondent, in response to Ext.P7 letter which, according to the petitioner, would support his case.

Therefore, what now remains is for the first respondent to consider the application of the petitioner in the light of Exts.P12 and 13.

2. In the above circumstances, the first respondent is directed to consider the application of the petitioner for freedom fighters pension under the "Swatantrata Sainik Samman" pension in the light of Exts.P12 and 13 and pass appropriate orders thereon, as expeditiously as possible at any rate within two months from the date of receipt of copy of this judgment.

The Writ petition is disposed of as above.

S.SIRI JAGAN
JUDGE

mrcs